

Exhibit 2

In The Matter Of:

*Darcy Corbitt, Destiny Clark, and Jane Doe v.
Hal Taylor, etc., et al.*

*Jeannie Eastman
November 13, 2018*

*Baker Realtime Worldwide Court Reporting & Video
250 Commerce Street
Third Floor, Suite One
Montgomery, Alabama 36104
www.BakerRealtime.com*

Original File 11-13-18 Jeannie Eastman.txt

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CIVIL ACTION NO.: 2:18-CV-00091-MHT-GMB

DARCY CORBITT, DESTINY CLARK, and JANE DOE,
Plaintiffs,

V.

HAL TAYLOR, in his official capacity as
Secretary of the Alabama Law Enforcement
Agency, et al.

Defendants.

DEPOSITION OF JEANNIE EASTMAN

November 13, 2018

Taken before Elaine Scott, CCR,
Commissioner for the State of Alabama at
Large, in the Law Offices of the Alabama
Attorney General, 501 Washington Avenue,
Montgomery, Alabama, on Thursday, November 13,
2018, commencing at approximately 12:59 p.m.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

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FOR THE DEFENDANTS:

OFFICE OF THE ATTORNEY GENERAL, STATE OF

ALABAMA

Brad A. Chynoweth

501 Washington Avenue

Montgomery, Alabama 36130

1 A P P E A R A N C E S (continued)

2

3 ALSO PRESENT:

4 Meredith Barnes

5

6 COURT REPORTER:

7 BAKER REALTIME WORLDWIDE REPORTING & VIDEO

8 Elaine Scott

9 250 Commerce Street

10 Third Floor, Suite One

11 Montgomery, Alabama 36104

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1 preparation for the deposition?

2 A. I spoke to the attorneys.

3 Q. Did you speak to anyone else who
4 wasn't an attorney about the deposition?

5 A. Well, Chief Pregno was in one of
6 the meetings. We had a meeting last week
7 about some documents.

8 Q. And what was -- if something is
9 privileged, just let me know. But was
10 anything said in the meeting? What was said
11 in that meeting with Chief Pregno?

12 A. It was just how we came about the
13 documents.

14 Q. Like what was -- like what about
15 the documents?

16 A. We -- that she ran a query on
17 driver's license where the sex had been
18 changed on them so we could get -- pull the
19 documents of the ones that had sexual
20 reassignment surgery.

21 Q. What about documents that were
22 denied?

23 A. There's really no way to pull those

1 without driver's license numbers.

2 Q. So we, as in the opposing side, I
3 guess, aren't able to see who's denied; is
4 that right?

5 A. No. Like I said, there's no way to
6 pull those documents without driver's license
7 numbers.

8 Q. Who else was present at the time of
9 the meeting with Chief Pregno?

10 A. Meredith and Jennifer Colquitt.
11 She's one of the IT people.

12 Q. Why was she there, Jennifer
13 Colquitt?

14 A. Because she's the one that ran the
15 query.

16 Q. In your opinion do you think
17 anything might be missing from the discovery?

18 A. No, sir.

19 Q. Is there any reason why you
20 wouldn't be able to answer my questions fully
21 and accurately today?

22 A. No, sir.

23 Q. Is it your understanding that

1 would do?

2 A. I would probably comment in the
3 system.

4 Q. Where?

5 A. In the DB2.

6 Q. Is there a section for comments
7 under that individual person?

8 A. It's under their driver's license.

9 Q. What do you do with the doctor's
10 letter?

11 A. We would scan that into our Paper
12 Vision System.

13 Q. Would you write anything on there
14 like denied or anything like that?

15 A. Yes, usually. And probably just
16 put -- like if they -- like if it didn't say
17 that they had the surgery, then I would write
18 that on there, that that's what we needed, a
19 doctor's letter stating that they had the
20 complete surgery.

21 Q. Do you ever make any phone calls?

22 A. I have called the doctor's office.

23 Q. How come?

1 A. Because the letter did not say that
2 the surgery was complete.

3 Q. Where do you get that guidance
4 from?

5 A. What do you mean?

6 Q. Who told you to call the doctors'
7 offices?

8 A. I don't recall anybody telling me
9 to.

10 Q. So you came up with that on your
11 own?

12 A. I mean, we call about other things
13 in the medical unit, so -- I mean, I don't
14 know that that's said anywhere, that we call
15 or not call.

16 Q. Does it say in the policy to call
17 if you don't think the surgery was complete?

18 A. No.

19 Q. Does it say under number 2 in that
20 middle section on Plaintiff's Exhibit 7 -- on
21 page two of Plaintiff's Exhibit 7, what does
22 it say if a physician -- can you read that
23 line?

1 A. If a physician letter is presented
2 there is no need to contact the physician
3 unless there is some doubt as to the
4 authenticity of the letter unless the
5 surgeries have been performed in other
6 countries.

7 Q. So it doesn't say anything about
8 calling if the surgery is complete, right?

9 A. No. It just says if we have a
10 doubt of the authenticity.

11 Q. But you have --

12 A. Which that says under the exam
13 office part.

14 Q. So you have no idea where you heard
15 about calling individuals' doctors' offices?

16 A. No.

17 Q. Roughly how many applications have
18 you received from people seeking to change the
19 sex designation on their driver's license?

20 A. I can't really give you a number of
21 how many we've received, by how many we have
22 done is like maybe ninety something.

23 Q. What do you mean done?

1 had the complete surgery or an amended birth
2 certificate.

3 Q. And you do have the power to
4 approve or deny an application yourself?

5 A. Yes.

6 Q. Do you ever have to talk to someone
7 above you in a supervisory role about the
8 application if you approve or deny it?

9 A. No, I don't have to talk to someone
10 else.

11 Q. Do you ever share those approvals
12 or denials with anyone else?

13 A. No.

14 Q. Do you ever share approvals or
15 denials with the legal department?

16 A. No.

17 Q. How often do you call the
18 physician's office when you receive an
19 application?

20 A. I really don't recall but calling
21 one time.

22 Q. What about Jerrolynn Spencer? Do
23 you know of instances where she's called the

1 physician's office?

2 A. I'm sure she has.

3 Q. For the instance of -- that you
4 recall about calling the physician's office,
5 why did you call?

6 A. Because the letter did not say they
7 had had the completed surgery.

8 Q. Who did you talk to at that
9 physician's office?

10 A. It would have been the nurse that
11 answered the phone or a nurse.

12 Q. What did you ask the nurse?

13 A. If the subject had had the
14 completed surgery.

15 Q. What did the nurse say?

16 A. They said no in this case.

17 Q. Before you called the physician's
18 office, did you first contact the applicant
19 for permission?

20 A. No.

21 Q. Did you get a warrant?

22 A. No.

23 Q. What measures do you take to

1 protect the privacy of applicants that are
2 trying to change the sex on their driver's
3 licenses?

4 A. I just call the doctor's office and
5 what that person -- if they had completed the
6 surgery. It's, you know, to see if they met
7 with our policy.

8 Q. And the doctor's offices give out
9 that information?

10 A. They just said yes or no, you
11 know. They said no on this case.

12 Q. Did they have any concerns about
13 giving out private medical information to you?

14 A. No, because it was a letter that
15 was sent by them. So I was just asking on the
16 letter. Most of the time they'll put on there
17 if you have any questions call.

18 Q. And you know for sure in this
19 instance that the letter came from the
20 office? Did you know in this instance that
21 the letter came directly from the physician's
22 office to ALEA?

23 A. I'm not sure if it came from the

1 physician's office or from the applicant.

2 Q. So if it came from the applicant,
3 it didn't come directly from the physician's
4 office, correct?

5 A. I mean, if the applicant sent it
6 in, no, it didn't come directly from --

7 Q. Does that applicant know that you
8 might call their physician?

9 A. No.

10 Q. Would you say that your medical
11 record is private?

12 A. The medical record is.

13 Q. Does that include surgeries on
14 someone's body? Are surgeries on someone's
15 body a part of the medical record?

16 A. Yes.

17 Q. And that would be private, right?

18 A. Yes.

19 Q. Did you ever hesitate about calling
20 a physician's office?

21 A. I mean, I don't like calling the
22 physician's office, but if there's a question
23 about the documentation that was sent in to

1 us, then I would call.

2 Q. But no one told you to call the
3 physician's office about whether or not the
4 surgery was complete or not, right?

5 A. No.

6 Q. And you have no idea where that
7 idea came from, right?

8 A. I just -- as far as I know, you
9 know, we've always called about different
10 things, so --

11 Q. So you call physicians' offices on
12 other issues in the medical unit?

13 A. Yes.

14 Q. Can you look back at Exhibit 7,
15 which again is discovery number 1 and number
16 2? And you've already stated you recognize
17 this document, right?

18 A. Yes.

19 Q. How did you first learn about the
20 policies in Plaintiff's Exhibit 7?

21 A. What do you mean how did I learn?

22 Q. When did you first hear about
23 policy order 63?

1 A. When I became supervisor over the
2 medical unit, I believe.

3 Q. So you think day one you learned
4 about it?

5 A. Well, I can't say it's day one. I
6 am sure it's when someone had called in
7 questioning it.

8 Q. Do you remember who you asked a
9 question of since you probably didn't know
10 what to do, right?

11 A. I can't say for sure.

12 Q. Has anyone told you why this policy
13 is in place?

14 A. Well, it's in place to -- so, you
15 know, not just everybody can come in and
16 change the sex on the license.

17 Q. Does that happen frequently?

18 A. What? Somebody coming in wanting
19 the sex changed? No. I mean --

20 Q. Do you suspect that there's people
21 that come in to change the sex and they're
22 fraudulent, they're not actually transgender?

23 A. I'm sure there could be.

1 Q. Do you know of any instances of
2 that happening?

3 A. No.

4 Q. So as far as you know that's never
5 happened?

6 A. As far as I know.

7 Q. So then do you know why the policy
8 is in place if it's not really a fear?

9 MR. CHYNOWETH: Object to the form.

10 Q. Is that the only reason that the
11 policy is in place?

12 A. (No response.)

13 Q. I'll restate. Is the only reason
14 the policy is in place is to stop people from
15 come in and changing the sex fraudulently?

16 A. It may not be the only reason, but
17 I'm not sure.

18 Q. Is that the only reason you know
19 of?

20 A. I don't know.

21 Q. You don't know if that's the only
22 reason you know of?

23 A. I don't know where you're going.

1 where to go with this. Okay. I didn't start
2 taking all the responsibilities right off when
3 I was supervisor because I had another unit
4 also. So I'm sure if I got a letter I went to
5 her and asked her about it.

6 Q. So as best as you can recall Diane
7 might explain what the letter means?

8 A. That would have been who I would
9 have gone to if I --

10 Q. Did you ever receive any written
11 guidance outside of what's in the policy?

12 A. No.

13 Q. Have you ever given any verbal
14 guidance about the policy?

15 A. Yes.

16 Q. What was it?

17 A. Well, applicants take letters into
18 the driver's license offices, and then they'll
19 call me. And they'll usually fax the letter
20 over to me so I can read it to guide them if
21 it has the correct information on it to change
22 the sex on the license.

23 Q. But do you give any verbal guidance

1 A. And then got a letter from another
2 doctor for the same person stating that the --
3 they had a surgical procedure.

4 Q. What's wrong with that?

5 A. It did not say they had the
6 complete surgery, which the doctor stated in
7 the other letter that they had, that he had
8 just examined them.

9 Q. It sounds like you know what
10 complete surgery is, right?

11 A. Well, the complete surgery would
12 have to be having all your -- the top part,
13 bottom part done surgical to make you a female
14 or a male.

15 Q. Who told you that?

16 A. I mean, nobody told me that.

17 Q. So you came up with that?

18 MR. CHYNOWETH: Object to the form.

19 A. Well, I don't see how a person
20 could be a -- I mean -- let me think which
21 way -- I mean, if you -- how can you change
22 your sex if you don't have the top and bottom
23 done? That's what we mean by completed

1 surgery.

2 Q. But you're not a physician, right?

3 A. No, I'm not.

4 Q. So where are you getting this
5 from? Correct me if I'm wrong. It sounds
6 like it's coming from you, right?

7 A. Yes, I said that.

8 Q. So you think the policy should be a
9 little bit more rigorous and doctors should --
10 it should require that doctors' notes have
11 under penalty of perjury, right?

12 A. Well, to make sure it that is from
13 a doctor, yes, what is in it is true.

14 Q. And you think that some physicians
15 are not telling the truth; is that right?

16 A. I think there could be some that
17 don't.

18 Q. Do you have --

19 A. Or we could get forged letters.

20 Q. Couldn't someone forge a letter and
21 still put penalty of perjury on there?

22 A. It would be notarized and
23 everything.

1 A. No.

2 Q. Does it matter what that state's
3 policy for changing the sex designation on the
4 birth certificate is?

5 A. Not as long as we have an amended
6 birth certificate.

7 Q. So even if another state does not
8 force its citizens to have genital surgery
9 you'll still accept that amended birth
10 certificate; is that right?

11 MR. CHYNOWETH: Object to the form.

12 A. Yes.

13 Q. I'll repeat it in another way
14 also. If another state does not require
15 surgery, then you'll still accept that birth
16 certificate, right?

17 A. If it's an amended birth
18 certificate, yes.

19 Q. Then do you know why Alabama
20 insists that genitals match the license for
21 the driver?

22 MR. CHYNOWETH: Object to form.

23 A. I mean, that's our policy.

1 Q. Does it matter what country they
2 were born in?

3 A. No.

4 Q. Does it matter what the country's
5 policy for changing the sex designation on the
6 birth certificate is?

7 A. No.

8 Q. And under policy order 63 a person
9 may have the sex designation changed on their
10 license with a letter from a physician who
11 performed gender reassignment surgery; is that
12 correct?

13 A. Yes.

14 Q. What happens if the physician has
15 retired, died, or otherwise becomes
16 unavailable?

17 A. I've never had that happen, so --

18 Q. What would you do if that were to
19 occur?

20 A. I would probably ask for guidance.

21 Q. From whom would you ask guidance
22 from?

23 A. I would probably have to go up my

1 because you would have to have the top done.

2 Q. So are you saying that if you were
3 to have what some -- some are all bottom
4 surgery, but if you don't have top then it
5 doesn't work under the policy, they would be
6 denied?

7 A. It says complete surgery. So it
8 has to be irreversible completed surgery.

9 Q. I still don't know what that means,
10 what complete surgery means.

11 MR. CHYNOWETH: Object to the form.

12 Q. You don't have a definition of
13 complete surgery, do you? Let me retract
14 that. Do you have a definition of complete
15 surgery?

16 A. Do I have anything written out that
17 states what complete surgery is; is that what
18 you're asking? No, I don't.

19 Q. Yes. Do you have any verbal
20 guidance as to what complete surgery is?

21 A. Complete surgery would be having,
22 like I said, top and bottom both done.

23 MR. BOONE: Okay. If we could take

1 a short break.

2 (Break taken.)

3

4 Q. Someone could be assigned male at
5 birth but she is a transgender woman and
6 begins taking hormones and develops breasts.
7 She then has bottom surgery. Would she be
8 able to have the sex changed on her license?

9 A. If we get a letter from the doctor
10 stating she's had the complete irreversible
11 surgery, yes.

12 Q. But what if it just states the
13 bottom surgery procedures and not anything
14 about top surgery because it wasn't necessary,
15 would she be approved?

16 A. No. Our policy says completed
17 surgery. So if the doctor would state that it
18 was irreversible surgery, then it would be.

19 Q. So would top surgery not be
20 necessary for that woman?

21 A. I mean, I'm not a doctor, so --

22 Q. But you are --

23 A. What we require is a letter from

1 person physically present in Alabama has an
2 ID?

3 A. I'm sure that's possible.

4 Q. Would you agree some people carry
5 ID that is not their own?

6 A. I'm sure that could happen.

7 Q. Would you agree that not every
8 person physically present in Alabama was born
9 in Alabama?

10 A. Yes, I'm sure there's people that
11 weren't born here that's in Alabama.

12 Q. Would you agree that not every
13 person physically present in Alabama was born
14 in the United States?

15 A. Yes.

16 Q. Would you agree that it's possible
17 some transgender people have changed the sex
18 designation on their Alabama driver's license
19 without having surgery?

20 A. Not without a letter or amended
21 birth certificate.

22 Q. I'll ask again. Would you agree
23 that it is possible some transgender people

1 have changed the sex designation on their
2 Alabama driver's license without having
3 surgery if, for example, they were born in a
4 state that permitted amendments to the birth
5 certificates without proof of surgery?

6 A. Yes, if they --

7 Q. Can you say that again?

8 A. Yes, if they gave us an amended
9 birth certificate.

10 Q. I'm going to show you some
11 documents.

12 (Plaintiff's Exhibit Number 24 was
13 marked for identification. A copy
14 is attached.)

15 Q. This is marked as Plaintiff's
16 Exhibit 24. The discovery number is 208.
17 Could you please describe this document?

18 A. It's a letter stating that this
19 doctor had performed reassignment surgery,
20 successfully completed and in is compliance
21 with the World Professional Association for
22 Transgender Health.

23 Q. Do you recognize this document?

1 Q. And why didn't you approve this?

2 A. Because the doctor did not perform
3 the surgery. He just examined.

4 Q. So once you saw -- tell me when you
5 knew that this wasn't the surgeon from your
6 perspective.

7 A. I have completed a physical
8 examination of her subsequent to these
9 procedures.

10 Q. Did you think the letter was
11 fraudulent?

12 A. I didn't know if it was or not, but
13 it did not meet our policy. It was not from
14 the surgeon.

15 Q. Do you see where it says in the
16 third paragraph Destiny Clark has undergone
17 medical and psychological testing, receiving
18 ongoing hormone replacement therapy, and was
19 referred for and received surgical procedures
20 to irreversibly correct her anatomy to match
21 her gender?

22 A. Yes.

23 Q. That isn't enough for there to be a

1 surgeon?

2 A. Because this letter states all
3 these procedures have been done, and he just
4 put I performed a surgical procedure. He did
5 not say he did a complete surgery or a
6 complete irreversible surgery. It just said a
7 surgical procedure.

8 Q. What if a wasn't there?

9 A. It still doesn't say that he did
10 the complete surgery or it was irreversible.

11 Q. We have previous documents that
12 don't state the word complete and
13 irreversible, correct?

14 A. Correct.

15 Q. And they were approved, right?

16 A. They stated irreversible or
17 complete, I think. There may have been one
18 that didn't. I don't remember.

19 Q. Let's look on this one. So on
20 Plaintiff's Exhibit 28 does it say the word
21 complete or irreversible on that document?

22 A. No.

23 Q. So why --

1 A. This one doesn't.

2 Q. So why wasn't this document
3 approved, which is Plaintiff's Exhibit 30?

4 A. Because it says has been living as
5 a transgender female -- having been living as
6 a transgender female has previously been to my
7 practice for evaluation prior to gender
8 transformation surgery. Then it says I
9 performed a surgical procedure related to
10 gender transformation.

11 Q. So is one surgical procedure never
12 enough according to ALEA's policy 63?

13 A. It should be completed surgery.

14 Q. Although that didn't matter before,
15 right?

16 A. Well, this doesn't say they did the
17 surgery for gender reassignment surgery. It
18 just says he performed a surgical procedure
19 related to.

20 Q. Do you remember your phone call
21 with the doctor's office concerning
22 Plaintiff's Exhibit 30?

23 A. That's what I've got in my hand. I

1 driver's license -- I mean, your birth
2 certificate.

3 Q. Do you have to have a birth
4 certificate to get an Alabama driver's
5 license?

6 A. Yes, I believe so. I don't work in
7 the exam office. But, yes, I believe you do
8 have to.

9 Q. Now, I know from personal
10 experience that a passport can be also
11 considered a primary document like a birth
12 certificate. Does that sound right to you?

13 A. Yes.

14 Q. So you could use a passport in lieu
15 of a birth certificate, correct?

16 A. I believe so.

17 Q. What do you know about the medical
18 advisory board?

19 A. It's a group of doctors that we
20 have on a board that we contact if we need
21 assistance or guidance.

22 Q. Have you ever contacted any of the
23 doctors?

1 Q. -- regarding any of the
2 applications under policy order 63?

3 A. No.

4 Q. You said no, right?

5 A. Yes.

6 Q. I just wanted to -- has anyone in
7 the medical unit ever called the medical
8 advisory board to consult about policy order
9 63?

10 A. No.

11 Q. Do you know if the medical advisory
12 board was involved with crafting policy order
13 63?

14 A. I don't believe so.

15 Q. Do you know why not?

16 A. They're mostly for driver's
17 license, for the medical standards for
18 driver's licensing. It's more of the medical
19 of like endo, cardio, things we follow people
20 for that have conditions that might be
21 dangerous when they're driving.

22 Q. So you wouldn't contact them about
23 any of the different types of operations --